

REMARKS

Reconsideration of the application, as amended, is respectfully requested. Claims 7, 9, 16, 18, and 29 have been amended. No claims have been cancelled or added.

Claims 7-11, 14-16, 18, 21, 24-25, 27, 29-31, 33, and 35-39 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent No. 5,870,723 to Pare, Jr. et al. ("Pare") in view of U.S. patent No. 6,181,803 to Davis ("Davis"). Pare is directed to a method and system for token less authorization of commercial transactions between a buyer and a seller using a computer system. A transaction is proposed by a seller and a buyer signals acceptance of the proposed transaction by entering personal authentication information comprising a PIN and at least one biometric sample forming a commercial transaction message.

The Office Action has conceded that Pare fails to teach or suggest at least one feature of the rejected claims. For example, with respect to independent claim 7, the Office Action concedes that Pare does not disclose an electronic portrait that enables generation of a physical identifier for comparison to a buyer by a seller. Davis is cited as supplying this deficiency of Pare. Davis is directed to a biometric device that includes a biometric processor including a data capture unit that captures data associated with a predetermined biometric characteristic that is checked to regulate access to an area. Davis' biometric processor includes a cryptographic circuit coupled to the data capture circuit that internally processes a data clip. The biometric processor transfers a message to control access to the area.

Applicant respectfully submits that the cited combination of Pare and Davis fails to teach, suggest, or render obvious at least one of the distinguishing features of independent claim 7, namely, an electronic portrait that enables generation of a physical identifier for comparison to a buyer by a seller. As noted above, Davis has been cited as supplying this admitted deficiency of Pare. The Office Action cites col., lns. 37-57 of Davis as supplying this deficiency of Pare. However, Davis appears to teach a biometric processor 200 that includes a data capture circuit 210. The data capture circuit 210 includes a pixel capture array 211 and control logic 212 that controls the pixel capture array 211. Control logic 212 of the biometric processor 200 digitizes biometric characteristics of the user and transmits a digitized version of the biometric

characteristics to a processing unit 220 of the biometric processor 200. Davis, in contrast to independent claim 7, does not teach, suggest, or render obvious an electronic portrait that enables generation of a physical identifier for comparison to the buyer by a seller. Even if it assumed, for the sake of argument, that the cited combination of Pare and Davis teaches an electronic portrait that enables generation of a physical identifier for comparison, any comparison performed between such a physical identifier and a buyer is not performed by a seller, but is rather performed by a computer system or other machine. In contrast, in independent claim 7, the electronic portrait enables generation of the physical identifier for comparison to the buyer by a seller which, by necessity, is a human being.

For at least the reasons set forth above, Applicant respectfully submits that independent claim 7 distinguishes over the cited combination of Pare and Davis. Withdrawal of the rejection of independent claim 7 is respectfully requested.

Dependent claim 8 depends from and further limits independent claim 7 in a patentable sense. Dependent claim 8 is therefore deemed to distinguish over the cited combination of Pare and Davis for at least the same reasons as those set forth above with respect to independent claim 7. Withdrawal of the rejection of dependent claim 8 as unpatentable over Pare in view of Davis is respectfully requested.

Independent claim 9 is directed to a method for enabling identification of a buyer during a transaction. Independent claim 9 includes the features of an electronic portrait that enables generation of a physical identifier for comparison to a buyer by a seller using equipment of the seller and displaying the physical identifier to the seller using equipment of the seller. Applicant respectfully submits that, for similar reasons to those stated above with respect to the rejection of independent claim 7, independent claim 9 also distinguishes over the cited combination of Pare in view of Davis. Withdrawal of the rejection of independent claim 9 as unpatentable over Pare in view of Davis is respectfully requested.

Dependent claims 10-11 and 14-15 depend from and further limit independent claim 9 in a patentable sense. Dependent claims 10-11 and 14-15 are deemed to distinguish over the cited combination of Pare and Davis for at least the same reasons as those set forth above with

respect to the rejection of independent claim 9. Withdrawal of the rejection of dependent claims 10-11 and 14-15 is respectfully requested.

Independent claim 16 is directed to a method for enabling identification of a buyer during a transaction. Independent claim 16 includes the feature of displaying a physical identifier to a seller using equipment of the seller. Applicant respectfully submits that, for similar reasons to those stated above with respect to the rejection of independent claims 7 as unpatentable over Pare in view of Davis, independent claim 16 distinguishes over the cited combination. Withdrawal of the rejection of independent claim 16 is respectfully requested.

Dependent claim 17 depends from and further limits independent claim 16 in a patentable sense. Dependent claim 17 is deemed to distinguish over the cited combination of Pare and Davis for at least the same reasons as those set forth above with respect to the rejection of independent claim 16. Applicant respectfully points out to the Examiner that dependent claim 17 was not rejected in the pending Office Action.

Independent claim 18 is directed to a method for enabling identification of a buyer during a transaction. Independent claim 18 includes the features of an electronic portrait that enables generation of a physical identifier for a comparison to a buyer by a seller and displaying the physical identifier to the seller on equipment of the seller. Applicant respectfully submits that, for similar reasons to those stated above with respect to the rejection of independent claim 7 as unpatentable over Pare in view of Davis, independent claim 18 distinguishes over the cited combination. Withdrawal of the rejection of independent claim 18 as unpatentable over Pare in view of Davis is respectfully requested.

Dependent claims 21, 24-25, and 27-28 depend from and further limit independent claim 18 in a patentable sense. Dependent claims 21, 24-25, and 27-28 are deemed to distinguish over the cited combination of Pare and Davis for at least the same reasons as those set forth above with respect to independent claim 18. Withdrawal of the rejection of dependent claims 21, 24-25, and 27-29 is respectfully requested.

Independent claim 29 is directed to an electronic personal device enabling identification of a buyer during a transaction. Independent claim 29 includes the feature of an electronic portrait that enables generation of a physical identifier for comparison to a buyer by a seller. Applicant respectfully submits that, for similar reasons to those stated above with respect to the rejection of independent claim 7 as unpatentable over Pare in view of Davis, independent claim 29 distinguishes over the cited combination of Pare and Davis. Withdrawal of the rejection of independent claim 29 is respectfully requested.

Dependent claims 30-31 and 33-39 depend from and further limit independent claim 29 in a patentable sense. Dependent claims 30-31 and 33-39 are deemed to distinguish over the cited combination of Pare and Davis for at least the same reasons as those set forth above with respect to independent claim 29. Withdrawal of the rejection of dependent claims 30-31 and 33-39 is respectfully requested.

In view of the above, each of the presently-pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

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